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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,241	09/18/2000	Eric M. Silberstein	IDIK-001; 55692-012	4412

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EXAMINER
MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
2142	5

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)	
Office Action Summary	09/665,241		SILBERSTEIN ET AL.	
	Examiner		Art Unit	
	Joseph R Maniwang		2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 April 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a)☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2, 3, 4* .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Priority

1.   Application claims priority from provisional application 60/163,781 filed on

November 5, 1999. The effective filing date of the application is November 5,

1999.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

4.   Claim 23 recites the limitation "the particular group". There is insufficient

antecedent basis for this limitation in the claim.

5.   Claim 24 recites the limitation "the particular group". There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 2, 4, 8-14, 16, and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Challenger et al (U.S. Pat. No. 6,026,413), hereinafter referred to as Challenger.

8.   Challenger disclosed a method and system for updating dynamic web pages. Links between web pages and data (objects) were provided by specifying dependencies between objects (see column 3, lines 23-27). Objects were updated according to these links (see column 4, lines 13-15 and 37-40). Dependencies were maintained by a cache manager residing on a storage device (see column 8, lines 54-65). Challenger disclosed the possibility of scheduling updates (see column 28, line 66 through column 29, line 5). Updating of objects could also occur by first deciding whether or not to initiate the updating process by scanning the object dependencies for changes (see column 28, lines 58-65). Dependencies could inherit fields, such as "version_num", from other dependencies (see column 19, lines 44-52 and 56-62). Challenger disclosed both the ability to copy objects (see column 18, lines 36-39; column 20, lines 26-28), and also to translate one object to another, where new portions of attributes were merged with existing ones (see column 19, lines 52-55). Challenger disclosed the ability to selectively update certain caches (see column 21, lines

41-43). Challenger disclosed storing object dependencies in a data structure accessible through an application programming interface (see column 9, lines 56-38), thus providing a level of abstraction to the data structures as claimed. Challenger disclosed the ability to have co-dependencies between a set of objects, associating a change within one set to affect the value of all objects in the other set (see column 3, lines 19-22). In addition to this type of grouping where objects were treated at a common level, dependencies could be arranged in a hierarchical fashion (see column 3, lines 29-31).

9.   Claims 1, 2, 4, 9-14, 16, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al (U.S. Pat. No. 5,675,802), hereinafter referred to as Allen.

10.   Allen disclosed a system and method for updating files across distributed software development sites. Allen disclosed using a versioned object base (VOB) as a data repository to store file objects (see column 6, lines 17-28). Allen also disclosed organizing file objects into trees (see column 5, lines 29-30; column 6, lines 41-48; and column 7, lines 1-9). In this way, file objects were linked, and such links were used as the basis for how file objects were updated (see column 9, lines 45-58). Allen disclosed performing updates periodically (see column 5, line 66 through column 6, line 3; column 8, lines 13-15; column 9, lines 9-11). Allen disclosed the use of an "exchanger" which ensured the proper order of operations in the updating process, thus providing updates through a workflow (see column 9, lines 25-46). Allen disclosed the use of meta-data associated

with an object, which could be written to by the object replica that mastered the

file (see column 8, lines 54-57). Thus, inheritance of properties was disclosed by

Allen as claimed. Allen disclosed using mastership rules to dictate selective

updating of branches (see column 8, lines 33-45). Allen disclosed organizing

VOBs into trees to appear as an ordinary file system, thus providing an

abstraction layer (see column 6, lines 49-58). Allen disclosed the ability to create

multiple sub-branches, or groups of objects depending on the same source, and

then later merging the two branches into one (see column 7, lines 10-22). Thus,

object target branches could be grouped, and later updated by related branches

through the links they had by sharing a common source.

11.   Claims 1-4, 10-16, 20-23, and 25 are rejected under 35 U.S.C. 102(e) as

being anticipated by Baxter et al. (U.S. Pat. No. 6,356,903), hereinafter referred

to as Baxter.

12.   Baxter disclosed a content management system for updating webpages.

Content data and target components of the pages were linked through

associations (see column 2, lines 12-24; column 6, lines 25-27; column 7, lines

17-18; column 12, lines 28-37), which were stored within the system (see column

15, lines 27-29), and governed how updates would be made (see column 4, lines

65-67). Baxter disclosed performing updates at predetermined time intervals

(see column 12, lines 22-27; column 13, lines 17-20; column 15, lines 19-24), on

demand (see column 2, lines 1-11; column 15, lines 45-55), or by initiating a

review process (workflow) through the use of triggers, which scanned website

content items and updated as necessary (see column 6, lines 24-25; column 7,

lines 18-20; column 15, lines 11-18; column 18, lines 35-50). Baxter disclosed

using sections within each page to reference certain content data, thus providing

for selective modification to parts of webpages (see column 6, lines 22-23 and

53-62). Baxter disclosed the use of a web interface application for handling

webpage assembly requests, thus providing an abstraction layer (see column 6,

lines 4-11). Baxter disclosed grouping target customers into a test group and

sending relevant content associated with the test group (see column 17, lines 15-

48).

13.   Claims 1, 3-7, 10-13, 15-17, 20-22, 24, and 25 are rejected under 35

U.S.C. 102(e) as being anticipated by Lakritz (U.S. Pat. No. 6,623,529),

hereinafter referred to as Lakritz.

14.   Lakritz disclosed a system for updating language specific webpages.

Lakritz disclosed associating source master site data with target templates,

storing content data and language preferences in a database/file system (see

column 5, lines 6-18). Updates were made on demand by the manager to initiate

a workflow (see column 9, lines 16-20, 48-53; column 13, lines 15-20), which

guided the update process (see column 8, line 64 through column 9, line 9).

Lakritz disclosed first translating source documents into an "internal format" (see

column 9, lines 48-53; column 11, lines 36-39), which was used to produce the

final target document (see column 11, lines 57-60), thus providing an

intermediate source or buffer data as claimed. Lakritz disclosed building

websites incrementally, allowing for selective modification of content within in a

site (see column 6, lines 21-34). Lakritz disclosed a "manager's console" to

serve as a user interface to control translation processes, thus providing an

abstraction layer as claimed (see column 9, lines 10-15; column 10, lines 13-18).

Lakritz disclosed grouping target users sites and source content into hierarchical

regions to provide accurate linking between country and language (see column 6,

lines 35-49).

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

16.   Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Toh et al. (U.S. Pat. No. 6,128,652), hereinafter referred to as Toh, and

further in view of Challenger et al (U.S. Pat. No. 6,026,413), hereinafter referred

to as Challenger.

17.   Toh disclosed a system for updating data objects over a network. Toh

disclosed linking stored data objects to remote sources to be updated

automatically (see column 1, line 65 through column 2, line 2). The "LiveSever"

disclosed by Toh scanned a cache to determine if an update was necessary (see

column 2, lines 7-27). Objects from the source were copied onto a proxy server

(see column 4, lines 8-11, 23-26), and could be updated on demand (see column 4, lines 31-33) or by a Resource Updater, which served to initiate a workflow for updating LivePlayers connected to the LiveServer (see column 4, lines 37-43; column 7, lines 11-34). Toh further disclosed an application program interface (API) for communicating to the LivePlayer, thus providing an abstraction layer as claimed (see column 5, lines 41-43).

18.   While Toh disclosed using a cache for serving data objects to a user, Toh only provided a broad description of the cache. Toh did not mention details such as link properties, or how data objects might be grouped within the cache. Toh did however recognize a shortcoming of networking technology to include unstructured data, which would most likely contribute to the other problems described by Toh, such as slow and unreliable data retrieval (see column 1, lines 26-29). It was a further desire of Toh to determine if data was outdated in order to provide up-to-date data (see column 1, lines 56-59; column 2, lines 18-23). This would have led one of ordinary skill in the art to search related art for possible ways to structure a cache in an organized and efficient manner.

19.   In a related art of caching and updating network data, Challenger disclosed a method and system for updating dynamic web pages. Links between web pages and data (objects) were provided by specifying dependencies between objects (see column 3, lines 23-27). Objects were updated according to these links (see column 4, lines 13-15 and 37-40). Dependencies were maintained by a cache manager residing on a storage device (see column 8, lines 54-65). Dependencies could inherit fields from other dependencies (see

column 19, lines 44-52 and 56-62). Challenger disclosed the ability to have co-dependencies between a set of objects, associating a change within one set to affect the value of all objects in the other set (see column 3, lines 19-22). In addition to this type of grouping where objects were treated at a common level, dependencies could be arranged in a hierarchical fashion (see column 3, lines 29-31). Challenger also recognized the problem of determining when cache objects are rendered obsolete, and sought to solve this through specifying dependencies between the objects within the cache (see column 2, lines 1-3, 59-61; column 3, lines 23-28, 39-44). Thus, Challenger disclosed an organized cache structure wherein outdated objects could be determined easily.

20.   It was a desire of Toh to provide up-to-date data from a cache (see column 1, lines 56-59; column 2, lines 18-23), and to further overcome the problems associated with unstructured data in a network (see column 1, lines 26-29). Challenger disclosed a structured cache in which data objects could be easily determined to be obsolete (see column 3, lines 23-28, 39-44). Since Toh sought to overcome the problems associated with unstructured data, and further sought to easily determine which data were outdated within a cache, it would have been obvious to one of ordinary skill in the art to combine the teachings of Toh and Challenger, as Challenger disclosed a structured cache from which it could be easily determined how obsolete an object was, thus benefiting the goals desired by Toh.

Conclusion

21.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22.   Bretschneider et al. (U.S. Pat. No. 6,041,333) disclosed a system for updating an electronic slide show presentation.

23.   Leighton et al. (U.S. Pat. No. 6,108,703) disclosed a content provider architecture.

24.   Fields et al. (U.S. Pat. No. 6,128,655) disclosed a web content hosting system.

25.   Lowery et al. (U.S. Pat. No. 5,894,554) disclosed a method and system for creating custom websites.

26.   Li et al. (U.S. Pat. No. 5,884,097) disclosed using object attributes in distributed applications.

27.   Challenger et al. ("A scalable system for consistently caching dynamic Web data", INFOCOM '99. Eighteenth Annual Joint Conference of the IEEE Computer and Communications Societies. Proceedings. IEEE, Volume: 1, 21-25 March 1999) disclosed a method and system for updating dynamic web pages.

28.   Challenger et al. ("A publishing system for efficiently creating dynamic Web content", INFOCOM 2000. Nineteenth Annual Joint Conference of the IEEE Computer and Communications Societies. Proceedings. IEEE , Volume: 2 , 26-30 March 2000) disclosed a system for efficiently publishing dynamic content on the web.

29.   Croll et al. ("Content Management - The Users Requirements",

International Broadcasting Convention, Conference Publication No. 447, 12-16

Sept 1997) disclosed a broker for delivery of audio-visual content.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Joseph R Maniwang whose telephone

number is (703) 305-3179. The examiner can normally be reached on Mon-Fri

8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The

fax phone number for the organization where this application or proceeding is

assigned is 00000.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the receptionist whose telephone number is

(703) 306-5484.

MARC D. THOMPSON

JM

MARC THOMPSON
PRIMARY EXAMINER